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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERBERT H. KIEGERMAN, on behalf of himself and
others similarly situated,

Plaintiff,

-against-

APPLE INC. and AT&T MOBILITY, LLC,

Defendants.

07 Civ. 08404 (PKC)

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT APPLE INC.'S
MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)**

Pursuant to Federal Rule of Evidence 201, Defendant Apple Inc. (“Apple”) hereby requests that the Court take judicial notice of Form 15 from AT&T Mobility LLC’s filing with the Securities and Exchange Commission, a true and correct copy of which is attached hereto as Exhibit A, in ruling on Apple’s Motion to Transfer Pursuant to 28 U.S.C. § 1406(a).

This Court may consider “documents appended to the complaint or incorporated in the complaint by reference, and [] matters of which judicial notice may be taken.” *Tarshis v. Riese Org.*, 211 F.3d 30, 39 (2d Cir. 2000). Judicial notice of the attached document is appropriate under Federal Rule of Evidence 201, because it is a public filing with the United States Securities and Exchange Commission “capable of accurate and ready determination.” Fed. R. Evid. 201(b)(2).

Dated: San Francisco, California
January 18, 2008

LATHAM & WATKINS LLP

By: /s/ Christopher S. Yates
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